

ORDINANCE 23-02

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE 2030 COMPREHENSIVE PLAN OF THE TOWN OF DUNDEE, FLORIDA, AND THE TOWN OF DUNDEE LAND DEVELOPMENT CODE, RELATING TO LEVEL OF SERVICE FOR POTABLE WATER SUPPLY BY AMENDING THE POTABLE WATER SUPPLY LEVEL OF SERVICE FROM 140 GALLONS PER CAPITA PER DAY (GPCD) TO 115 GPCD; PROVIDING FOR TRANSMISSION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW AND COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Supply Water Use Permit for the Town of Dundee (the "Town WUP"), Water Use Permit No. 20-5893.013 allocates an average gross per capita daily water use rate of 148 gallons per day (GPD); and

WHEREAS, the Central Florida Water Initiative (the "CFWI") requires a gross per capita daily water use rate no greater than 115 GPD; and

WHEREAS, the Town of Dundee has determined that its 2021 gross per capita daily water use rate was 107.9 GPD and its 5-year Annual Report Average per capita is 114.9 GPD; and

WHEREAS, as of December 31, 2023, the Town of Dundee is required to have a gross per capita daily water use rate of 115 GPD or otherwise satisfy the phase-in requirements set forth by the CFWI; and

WHEREAS, in order to maintain consistency with the requirements set forth by the CFWI, the current Town of Dundee level of service (LOS) for potable water supply should be amended from 140 gallons per capita per day (GPCD) to 115 GPCD; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the Town of Dundee, Florida to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the Town; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Commission held public hearings on Ordinance No. 23-02 with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, in exercise of its authority the Town Commission has determined it necessary to adopt amendments to the 2030 Comprehensive Plan of the Town of Dundee, Florida and the Land Development Code of the Town of Dundee, Florida, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan and Land Development Code is in full compliance with the laws of the State of Florida; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the amendments contained within this Ordinance were considered by the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting on February 16, 2023, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, in accordance with the Expedited State Review procedures required by Section 163.3184(3), the Town of Dundee transmitted the proposed amendment and supporting data and analysis to the applicable review agencies.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Town Commission as the legislative findings and intent pertaining to this Ordinance.

Section 2. The 2030 Comprehensive Plan of the Town of Dundee, Florida, and the Land Development Code of the Town of Dundee relating to potable water supply level of service matters are hereby amended as shown in **Exhibit "A"**, which is attached hereto and made a part hereof by reference (amendments are shown in underline and deletions are shown in ~~striketrough~~).

Section 3. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the 2030 Comprehensive Plan of the Town of Dundee, Florida and the Land Development Code of the Town of Dundee, Florida; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the 2030 Comprehensive Plan and/or the Land Development Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

Section 4. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end the provisions of this Ordinance are hereby declared severable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. The effective date of these amendments, if the amendments are not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, the amendments shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining the adopted amendments to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, the amendments may nevertheless be made effective

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by adoption of a resolution affirming the effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

INTRODUCED AND PASSED on First Reading/transmittal public hearing this ____ day of

_____, 2023.

PASSED AND DULY ADOPTED, on Second Reading/adoption public hearing with a quorum present and voting, by the Town Commission, this the _____ day of _____, 2023.

TOWN OF DUNDEE, FLORIDA

Mayor- Sam Pennant

ATTEST:

Town Clerk – Jenn Garcia

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.

ORDINANCE 23-02
EXHIBIT “A”

COMPREHENSIVE PLAN AMENDMENTS:

INFRASTRUCTURE ELEMENT

Policy 2.2.1: The Town establishes the following future level of service standards for potable water use, storage, and minimum pressure, effective January 1 of the respective years, in accordance with the Southern Water Use Caution Area, as enacted by the Southwest Florida Water Management District Board of Directors:

Potable Water Level of Service	140 115 gpcd
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WATER SUPPLY SUB ELEMENT

Policy 1.1.1: The Town shall maintain water sources capable of supplying a minimum of one hundred ~~forty (140)~~ fifteen (115) gallons per person per day.

CONSERVATION ELEMENT

Policy 10.1: The Town shall continue to strive with all means available to comply with the conservation standards established by Southwest Florida Water Management District for its Southern Water Use Caution Area for per day per capita consumption and not exceed the Town’s adopted Level of Service standard of ~~140~~ 115 gallons per day per capita. [40D-2, F.A.C.]

CAPITAL IMPROVEMENT ELEMENT

Policy 2.1: The following level of service standards, as established in other elements of the Comprehensive Plan and by the Polk County School Board are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or the Town's utility service areas:

SANITARY SEWER	
Flow Capacity	1.5 MGD
Average Daily Flow	105 gpcd average daily flow
Effluent quality	Meet or exceed EPA and DEP effluent standards
POTABLE WATER	
Flow Capacity:	

Average daily demand:	140 <u>115</u> gpcd
Maximum daily demand:	1.5 times average daily demand
SOLID WASTE	
Level of Service:	8.0 lbs. per person per day
DRAINAGE	
Drainage	<p>The following shall be the level of service standards for stormwater facilities:</p> <ul style="list-style-type: none"> a. Drainage Structures: Ability to handle 25-year, 24 hour storm event b. Stormwater Facilities: 25-year, 24 hour storm event at top of bank or berm c. Storm sewers: Capacity to handle a 25-year storm event
RECREATION	
Level of Service:	4.5 acres per 1,000 population

UNIFIED LAND DEVELOPMENT CODE AMENDMENT

6.01.06. Levels of service.

Through the concurrency management system, Dundee shall maintain the following levels of service for public facilities:

Facility	Level of Service
Sanitary sewer	100 gallons per capita per day
Potable water	150 gallons per capita per day by 1993 140 gallons per capita per day by 1997 <u>115 gallons per capita per day</u>
Solid waste	3.47 pounds per person per day
Freeways	C
Principal arterial roads	C
Other roads	D
Recreation and open space	4.5 acres per 1,000 people
Drainage	25-year, 24-hour storm event for new development. Stormwater treatment and disposal facilities pursuant to section 17-25.025, F.A.C. Stormwater discharge pursuant to section 17-3.051, F.A.C.

All development which was not approved through a subdivision plat, site development plan, or the issuance of a building permit prior to the date of adoption of this code shall be subject to an adequacy determination through the concurrency management system. An adequacy determination shall also be required for existing development where any improvement, expansion, or other change is proposed which may result in a greater demand for those public facilities addressed in this section. The development director shall determine whether a proposed change in existing development requires an adequacy determination.